

App. No. 10/658492

Office Action Dated September 20, 2004

Amd. Dated February 22, 2005

**REMARKS**

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 2-6 are hereby amended. Claims 2 and 4-6 have been amended editorially. Claim 3 has been amended to incorporate limitations recited in claim 1, which is also supported, for example at page 9. New claim 7 tracks claim 6 and depends from claim 3. No new matter has been added. Claims 1-7 are pending.

Applicant appreciates the indication of allowable subject matter in claims 1, 2 and 6.

**Claim rejections - 35 U.S.C. § 101**

Claim 6 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

Claim 6 has been amended. Withdrawal and reconsideration is respectfully requested.

**Claim rejections - 35 U.S.C. § 112**

Claim 6 is rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 6 has been amended. Withdrawal and reconsideration is respectfully requested.

**Claim rejections - 35 U.S.C. § 102**

Claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Rose (WO 03/028771). Applicant respectfully traverses the rejection.

Claim 3 is directed to an apparatus for radiation processing of packages comprising a radiation source, a collimator and a turntable. The apparatus further comprises a means for determining a first value of the collimator aperture and a second value of the collimator aperture. The collimator is adapted for adjusting its aperture to a value comprised between said first and second value prior to irradiation of a package.

Rose fails to teach or suggest the apparatus comprises a means for determining a first and second value of the aperture in a given way, while the collimator is adapted for adjusting its

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aperture to a value between the first and second value. Thus, Rose fails to anticipate claim 3.

Withdrawal of the rejection is respectfully requested.

Claims 4, 5 and 7 depend from claim 3. For the Reasons discussed above for claim 3, withdrawal of the rejection is respectfully requested.

Claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotler (US 6504898). Applicant respectfully traverses the rejection.

Kotler fails to teach or suggest the apparatus comprises a means for determining a first and second value of the aperture in a given way, while the collimator is adapted for adjusting its aperture to a value between the first and second value. Thus, Kotler fails to anticipate claim 3.

Withdrawal of the rejection is respectfully requested.

Claims 4, 5 and 7 depend from claim 3. For the Reasons discussed above for claim 3, withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants primary attorney-of record, John J. Gresens (Reg. No. 33,112), at (612) 371.5265.

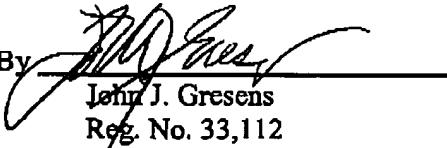
Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



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JJG:smm

By   
John J. Gresens  
Reg. No. 33,112